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ABSTRACT

Counselor licensing is an important issue in California. This paper discusses the current licensure situation in California and how other states handle licensure. Also examined are the positions of the national professional organization, the American Counseling Association, and the national credentialing body, the National Board for Certified Counselors. The background of counselor licensure in California is discussed and possible solutions for California's licensure dilemma are offered. Current efforts being made toward licensure are explained, and recommendations for the next steps to be taken are given. The California LICENSURE questionnaire is included. Also provided are a chart comparing counselor licensure at the national level and in California and recommended changes for counselor licensure in California. (MKA)

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Is Licensure In Your Future?

by

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Is Licensure In Your Future?

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Counselor licensing is an important issue in California. The following presents the current licensure situation in California, how other states handle licensure, the positions of the national professional association and the national credentialing body, the background of counselor licensure in California, possible solutions for California's licensure dilemma, the current effort toward licensure, and recommendations for the next steps to take.

THE PROBLEM:

General Practice Counselors are not licensed in California.

The only legislation that regulates counselors in California was enacted in 1964 to license one specialty of counseling, that of marriage, family and child counseling. These Marriage, Family and Child Counselors (MFCCs) are now called Marriage and Family Therapists (MFTs). The license is administered by the Board of Behavioral Science Examiners, which also licenses Social Workers and Educational Psychologists. There are approximately 29,000 MFTs in CA.

California has never licensed general practice counselors or other counseling specialties at the master's level. Examples of these specialties are career, rehabilitation, community, mental health, geriatric, community college, etc.

CA Business & Professions Code, Marriage, Family Child Counselors, Chapter 13. *Licensing Requirements*, American Counseling Association, 1997

WHY IS THE LACK OF A GENERAL PRACTICE COUNSELOR LICENSE IN CALIFORNIA A PROBLEM?

The public is not protected.

Without the title protection and legal definition provided by licensure, anybody can claim the title "counselor". This leaves the public with no way to differentiate qualified practitioners from untrained and unscrupulous practitioners offering counseling services. Absent licensure there is no mechanism for enforcing professional standards or for holding practitioners accountable for their actions. Without licensure consumers must go through the civil courts. Even if the court finds in favor of the client, the practitioner does not have a license to be taken away and can continue to provide services to the public.

Persons, not products, are at stake in counseling situations.

When barbers and manicurists are required to be licensed in our state, how do we explain there being no legal requirements for general practice counselors, who task it is to work with people and their futures.

California is clearly out of sync with the rest of the country when it comes to licensure of counselors.

Currently there is no portability of California credentials to and from other states. Licensed counselors coming from other states are restricted from practicing in California unless they can comply with the marriage and family therapy specialty. In turn, this unique California license is not recognized by other states.

Professional Counselors, fully licensed in other states as general practice or mental health counselors, must specialize in marriage and family therapy to continue their practice in California. In addition to needing 12 units of marriage, family and child counseling and marital and family systems approaches to treatment in their graduate training, they must add at least 2 semesters in California law and ethics, 250 hours supervised experience in California, and take the California MFT exam.

State funds are being used to educate counselors who cannot get licensed to practice in California.

Although students pay tuition at taxpayer-supported California state universities (or receive state/federal aid) and receive a Master's Degree in Counseling, they can only be licensed if they have specialized in marriage and family therapy as part of their graduate program. For example, school, career, rehabilitation and community college counselors who have a Master's Degree in Counseling are not eligible for licensure. School Counselors, although credentialed by the State Board of Education, are restricted from practicing outside the school setting.

State-funded agencies required to hire licensed counselors are restricted to hiring

marriage and family therapists or social workers, when masters prepared career or rehabilitation counselors might better fill the need and increase flexibility for these agencies.

WHAT DO OTHER STATES DO ABOUT COUNSELOR LICENSURE?

Forty-five states, plus Washington D.C., have passed some form of counselor credentialing legislation.

This general practice license is most often called the Licensed Professional Counselor (LPC). A few states use Certified Professional Counselor (CPC) and a few states specifically regulate mental health counseling with a credential such as Licensed Mental Health Counselor (LMHC).

California, Hawaii, Nevada, Minnesota, New York have no counselor licensure, although New York is close. California has a specialty license with its own exam.

There are about 60,000 Licensed Professional Counselors (LPCs) in the U.S. licensed by their states.

Thirty-seven states regulate Marriage Family Therapists (MFTs). Some states have a separate board for MFTs; other states regulate general practice counselors (LPCs) and MFTs under a composite board.

Sixteen states regulate rehabilitation counseling either as part of the LPC or separately.

Thirty states regulate career counseling with the LPC.

All fifty states regulate school counseling through their state departments of education.

Forty-three of the forty-five states with counselor licensure use a national examination in their licensure process. They use the National Counselor Examination (NCE) and/or the National Clinical Mental Health Counseling Examination (NCMHCE), administered by the National Board for Certified Counselors (NBCC).

Six states accept the NCE or the Certified Rehabilitation Counselor Examination (CRCE)

Two states use their own exam.

Data from *Counselor Licensing Requirements*, American Counseling Association, 1997; The National Board for Certified Counselors (NBCC), <www.nbcc.org>.

WHAT IS THE DIFFERENCE BETWEEN CREDENTIALING, LICENSURE AND CERTIFICATION?

Licensure is a legislatively established process of credentialing which grants a practitioner the legal right to practice through law. It restricts this right to only those persons who hold a license. State laws vary. Some will protect both the title and practice of the profession (practice acts or laws). Others will protect only protect the title granted to practitioners (title acts or laws).

Certification grants the use of a title by verifying certain qualifications; it does not involve the authorization to practice a profession nor does it regulate the profession.

Credentialing encompasses a broad spectrum of efforts to establish professional training standards and regulations for practice.

National Board Certification refers to a certificate granted by nonlegislative, professional organizations. There are currently two national boards that certify professional counselors. Established in 1973, the **Commission on Rehabilitation Counselor Certification (CRCC)** has certified more than 14,000 Certified Rehabilitation Counselors (CRCs), who have demonstrated through education, experience and passing a written examination that they meet minimum competence levels considered necessary to adequately serve the rehabilitation needs of persons with physical, mental or emotional disabilities.

Since its establishment in 1981 as a free-standing corporate body, the **National Board for Certified Counselors (NBCC)** has certified more than 50,000 counselors in the general practice of counseling, called National Certified Counselors (NCCs). This general practice credential is appropriate for all counselors who have earned a master's degree and have demonstrated minimum competence levels considered to be important for all counselors. There are over 32,000 NCCs in the nation and about 450 NCCs in California.

WHAT IS THE DIFFERENCE BETWEEN COUNSELORS AND THERAPISTS?

The scope of practice for Marriage and Family Therapists in CA reads,

"...the practice of marriage, family and child counseling shall mean that service performed with individuals, couples, or groups wherein interpersonal relationships are examined for the purpose of achieving more adequate, satisfying and productive marriage and family adjustments. This practice includes relationship and premarriage counseling...methods include, but are not limited to, the use of applied psychotherapeutic techniques to enable individuals to mature and grow within marriage and the family, and the provision of explanations and interpretations of the psychosexual and psychosocial aspects or relations."

CA Business and Professions Code, Chapter 13, Section 4980.02

"The term professional counselor...

is used to represent those persons who have earned a minimum of a master's degree and possess professional knowledge and demonstrable skills in the application of mental heath, psychological, and human development principles in order to facilitate human development and adjustment throughout the life span. Professional counselors prevent, diagnose, and treat mental, emotional or behavioral disorders and associated distresses which interfere with mental health. They help people of all functioning levels grow mentally, emotionally, socially, educationally, spiritually, and in terms of careers.

Professional counselors are found in a variety of work settings including mental health centers, rehabilitation agencies, private practice, hospitals, elementary through senior high schools, universities, nursing homes, career centers, government, and business and industry. What makes professional counselors unique from their peers in other mental health disciplines is their 'wellness' orientation. While trained to understand pathology and mental illness, professional counselors take a preventive approach to helping people and are trained to use counseling treatment interventions which include principles of development, wellness, and pathology that reflect a pluralistic society."

American Counseling Association, *Counselor Licensure Legislation: Protecting the Public* <www.counseling.org/resources/licensure_legislation.htm>.

WHAT IS THE POSITION OF THE NATIONAL PROFESSIONAL ASSOCIATIONS AND ACCREDITING ORGANIZATIONS ON SCOPE OF PRACTICE AND LICENSURE?

The American Counseling Association (ACA), representing 52,000 professional counselors, supports a single, inclusive, scope of practice model of licensure which is representative of the full range of practices engaged in by professional counselors. ACA further believes that it is essential to ensure that all professional counselors, regardless of their chosen specialty area(s), are legally entitled to practice within their scope of expertise.

Specialties should be addressed through national standards promulgated by the profession and regulated through national certifying organizations. This means that ACA does not endorse specialty licensure (e.g., separate licenses for general practice counselors, rehabilitation counselors, mental health counselors, career counselors, and so on).

However, state counseling regulatory boards can choose to develop standards for specialty endorsements and rules for how professional counselors can advertise themselves in relation to specialties."

Counselor Credentialing Laws: Scopes of Practice, Language and Tiers, American Counseling Association, 1995.

What is the American Counseling Association's (ACA's) position on licensure in California?

When MFCC had the word "counselor" in it, ACA recognized California's MFCC law as a generic counselor law. In 1998 "counselor" was changed to "therapist". Now ACA indicates on their web site <www.counseling.org> that there is no licensing board for mental health counseling in California and to become active in state-level lobbying for LPC legislation, one should call or email the California Association for Counseling and Development (CACD).

The National Board for Certified Counselors (NBCC) requires the National Certified Counselor (NCC) credential as a prerequisite to any of their specialty credentials. It is assumed that all counselors, regardless of their specialty area(s), must have a shared knowledge base and be able to perform some of the same activities. The NBCC does not recognize the California MFT license as a counselor credential. They list the Board of Behavioral Sciences as the California licensing body and The California Registry of Professional Counselors and Paraprofessionals as the voluntary registry for general practice, career and rehabilitation counselors.

The National Certified Counselor Credential, National Certification for Professional Counselors, The National Board for Certified Counselors, Inc., 2001, <www.nbcc.org>
Counselor Licensure: Protecting the Public, American Counseling Association, 2000, <www.counseling.org>.

WHAT MIGHT BE THE SOLUTION FOR CALIFORNIA'S LICENSURE DILEMMA?

The following is a draft proposal presented as a starting point for a movement toward general practice counselor licensure in California:

Because it is the intent of the Legislature to "protect the public from incompetent, unethical and unprofessional practitioners" (*CA Business and Professions Code*, Division 2, Chapter 13, Article 1, 4980.34);

Because it was the intent of the Legislature in amending the Marriage, Family and Child Counseling law in 1986 that it would serve as a "model professional licensing standard" and "the Legislature would continue to upgrade all other mental health professions" and "apply these standards as may be appropriate to those professions" (AB 3657, Section 1, (c);

Because in the state of California there is a vital public need for competent counselors with a range of skills and knowledge beyond those recognized in the current law governing Marriage and Family Therapists, Social Workers and Educational Psychologists;

Because 45 states license "Professional Counselors" or "Mental Health Counselors", who address a variety of counseling issues, and 38 of these states use the National Counselor Examination (NCE), administered by the National Board for Certified Counselors

(NBCC), for licensure and certification, and because counselors who meet the licensing requirements of 45 states cannot move to California and practice unless they become Marriage and Family Therapists;

Therefore, it is proposed that the Legislature bring its licensing requirements in line with 45 other states by adding "Licensed Professional Counselor" (LPC) to the existing law.

"Licensed Professional Counselors" would be defined as all Master's level counselors not covered by current California licensure who meet the following requirements:

Education: Completion of a regionally accredited Master of Science in Counseling program (or a related field) with a minimum of 48-semester (or 72 quarter) units with specified counseling coursework;

Examination: Successful passage of the National Counselor Exam (NCE);

Ethics: Compliance with the Code of Ethics of the ACA and NBCC;

Experience: Document two years of post-masters counseling experience with 3,000 hours of work as a counselor and 100 hours of face-to-face supervision over the two year period.

All counselors with a current designation as National Certified Counselor (NCC) by the National Board for Certified Counselors (NBCC), Certified Rehabilitation Counselor (CRC) by the Commission on Rehabilitation Counselor Certification, Registered Professional Counselor (RPC), Registered Professional Career Counselor (RPCC) or Registered Professional Rehabilitation Counselor (RPRC) of the California Registry of Professional Counselors and Paraprofessionals, or licensed counselors from other states would be automatically accorded the designation of Licensed Professional Counselor (LPC) at the time of the passage of this legislation.

After becoming licensed as a Licensed Professional Counselor, practitioners could earn a specialty designation, such as Licensed Professional Career Counselor, Licensed Professional Rehabilitation Counselor, etc., by meeting the standards determined by the professional organization of that specialty, or hold a certificate from the state or national credentialing body of the specialty.

Licensure could be administered by the Board of Behavioral Sciences or other appropriate board as designated by the legislature.

WHO WOULD BENEFIT IF COUNSELORS WERE LICENSED IN CALIFORNIA?

Consumers:

Licensure would enable the public seeking counseling, other than marriage and family therapy, to identify practitioners with greater assurance of competent services, because there would be a standard of preparation, ethics and practice.

The term Licensed Professional Counselor would be protected, so that only those who are licensed could use the title.

Counselors would be held accountable for their actions. Consumers would have a licensing board to lodge a complaint about a counselor. Consumers' rights to have confidential information remain confidential would be protected, since the concept of privileged communication is extended only to clients being served by professionals who are regulated by state law.

Counselors:

Counselors, who specialize in areas outside that of marriage and family therapy and who meet the standard of practice for counselors in California, would be licensed to deal with the public and would have credibility with consumers and employers.

California licensing requirements would be more in line with those of 45 other states so that counselors moving in and out of California would more likely have reciprocity.

Agencies:

State funded agencies would benefit from increased flexibility in staffing if counseling as a profession is legally defined by a licensure statute.

WHICH COUNSELORS WOULD APPLY FOR THIS LICENSE?

Any counselor who is not covered by current licensing laws and who can meet the licensing requirements. Such counselors might be credentialed school counselors wishing to practice outside the school setting, career counselors and rehabilitation counselors in agency and private practice settings, community counselors, community college and college counselors wishing to practice outside the school setting, educational counselors, psychology interns, etc.

Licensure of professional counselors does not restrict licensed marriage and family therapists, social workers, psychologists or other licensed mental health practitioners from practicing their professions. The purpose of licensing professional counselors is not to exclude other professionals who offer counseling services from doing so. The purpose is to ensure that these services are offered only by people who are proven to be qualified to do so while simultaneously assuring the inclusion of professional counselors as qualified service providers.

WHAT IS THE BACKGROUND OF COUNSELOR LICENSURE IN CALIFORNIA?

Early Efforts for Career Counselors

1980s

In 1984 the CA Business and Professions Code was amended to require career counselors to be licensed as employment agencies under the department of Consumer Affairs, Bureau of Personnel Services. The requirements for licensure were a high school graduation and passing the employment agency exam at a cost of $300 and paying an annual fee of $300.

In 1988 California Career Development Association (CCDA) member, Norma Zuber, led an effort to enact an appropriate career counselor licensure law (A.B. 4638 Quackenbush), which would set a professional standard for career counselors and protect the public from unscrupulous or unqualified practitioners. The standards set by the National Career Development Association (NCDA) and the National Board for Certified Counselors (NBCC) were proposed, including the use of the National Career Counselor Examination (NCCE). This bill died in committee because of the **legislature's reluctance toward**

regulation of any industry and the lack of documented numbers of potential licensees.

The intention was to try again in the 1989 session, but in talks with the legislative committee and the responsible bureau, it was clear that a bill would have little chance because of the few (50) currently licensed career counselors and the **lack of complaints from the public about counseling**.

In 1989 James Saum, Counselor Educator at California State University, Sacramento, said in a California Association of Counseling and Development (CACD) newsletter article, "**Thirty of the fifty United States have a generic license**. **Why not California?** School counselors have been licensed (credentialed) in California since 1956. Marriage, family and child counselors have been licensed since 1964. Career counselors have been licensed, albeit unsatisfactorily, as part of an employment agency since 1985. Because California got started early with the licensing of specific counselors, it has been difficult to get the separately licensed counselors to agree to a generic license.....Thus, California may not ever have a generic license, but, instead separate licensing, credentialing, registering, or certifying for the different counselor specialists."

1990s

Although a professional career counselor license was not achieved, the legislature did became aware of the inappropriate inclusion of career counselors with employment agencies. In early 1990 career counselors were deregulated from this unfair situation.

Because of the need to **identify professional career counselors for the public and for legislators**, a group led by Robert Swan, Counselor Educator at California State University Long Beach, established the California Registry for Professional Counselors and Paraprofessionals. The Registry was established under the CACD Education Foundation in 1990 with a loan from CCDA. The California Rehabilitation Counselors Association (CRCA) joined CCDA in setting the standard of practice for their members who would apply to The Registry. CCDA set requirements closely aligned with those of NBCC. CRCA used the standards of the Commission on Rehabilitation Counselor Certification (CRCC).

The Registry, which is administered by a volunteer staff and Board of Directors, evaluates applicants, administers examinations and maintains a web site with a directory of those who meet the standard. It currently has 109 professional career counselors, 109 career paraprofessionals, and 16 rehabilitation counselors.

The Current Effort was sparked by three emerging factors:

2000

Factor #1: Since its inception, The Registry has received inquiries from counselors licensed to practice in their state, planning to move to California and expecting reciprocity. Dean Porter, Executive Director, found herself advising several incredulous callers a week that, in order to be licensed in CA, they must now specialize in Marriage and Family Therapy (MFT), necessitating coursework, extra supervision, a unique CA exam, etc. These calls compelled her to study licensure in other states.

From this look at licensure across the country, Dean concluded that **California is clearly out of sync with the rest of the country when it comes to licensure of counselors**. Forty-five states have a general practice counselor license, most often called the Licensed Professional Counselor (LPC). Our state's only license is for Marriage and Family

Therapists (MFTs), Educational Psychologists and Social Workers. See *CA Business and Professions Code*, Chapter 13, sections 4980 - 4989. <www.leginfo.ca.gov>

Factor #2: In 1992 the federal government decreed that, in order to receive federal funding, agencies (including the State Department of Rehabilitation) must have licensed or certified rehabilitation counselors.

Factor #3: In 1998 the legislature approved a bill submitted by the California Association of Marriage and Family Therapists (CAMFT) to change the title from MFCC to MFT.

Now we update James Saum's question of 1989 to: **Forty-five of the fifty United states have a generic counseling law. Why not California?** Now that California's law only licenses therapists, the **timing may be right to introduce a general counseling law**. We can differentiate counseling from therapy!

In 1998 the California Career Development Association Board endorsed a draft proposal for a general practice counseling bill. It suggests an educational requirement of a 48-semester-unit (72 quarter-unit) masters in counseling (or a related field) and using the NCE for the examination requirement.

Since the proposed license would be a general practice counseling license, since the California Association of Counseling and Development (CACD) would represent a larger constituency than the California Career Development Association (CCDA), and since The Registry cannot act as an advocacy body, it was determined that the licensure effort be launched by CACD. In 1999 a task force was appointed and it has met twice.

This is what has been accomplished so far in 2000:

Contacts with ACA and NBCC regarding model legislation and available technical support.

Consultation with the Chairs of the recent licensure efforts in Pennsylvania and New York.

A meeting with the consultants for the California State Senate Business and Professions Committee and the Assembly Consumer Protection Committee, where we received the comprehensive *Sunrise Questionnaire*.

Presentation of the proposed licensure and distribution of a survey, resulting in 100 members signing up to help at the CACD Conference in Sacramento.

Contact with the Board of Psychology regarding Psych Interns' potential for licensure.

The CACD Executive Council has endorsed the concept of counselor licensure legislation; authorized CACD joining a coalition seeking licensure; and appropriated $500 to cover task force operational expenses.

Based on what was learned from the above contacts, we need to **find answers to the following questions**:

- Are there enough counselors who want LPC licensure badly enough to give the time and money, over a period of years, that this is going to take?
- Are there sufficient numbers of qualified counselors, that would be affected, to get the attention of legislators?
- Can we make the case that the public is being harmed under the current circumstances?
- Can counselors agree on what they want?
- How soon can we be ready with a bill for the next legislature?

If the answers are "yes", we need to do these things:

- Form a coalition or alliance with professional organizations and set up a working structure
- Develop the necessary funding

Develop "talking points" to be used to educate counselors and legislators
Develop language that we want included in a bill
Build grassroot support of a bill
Select a lobbyist and an author for a bill

Recommendations for Next Steps:

Convene eight to ten geographical focus groups, comprised of counselors from all affected counseling specialties, to see if there is sufficient interest among counselors and to identify skills and resources needed to proceed;

Build a working coalition with other professional organizations with an interest in counselor licensure;

Plan a retreat where representative members of the coalition can:

Develop a timeline for introduction of legislation;
Determine needs for the legislative effort;
Assign elements of required documentation (*Sunrise Questionnaire*, a 35-page request for a license) to those with relevant expertise;
Agree upon working definitions of counseling tasks, functions, educational requirements, and competency measurement.

Write and circulate a draft of the required documentation to coalition members for review and consensus.

CONCLUSION

Counselors who would like to help get legislation for the Licensed Professional Counselor (LPC) designation in California should complete and submit the *California Licensure Questionnaire* to indicate ways in which they are willing and able to become involved. The experience of other states tells us that we need to build a large grassroots organization with a well organized database, raise sufficient funds to hire a lobbyist, collect documentation of consumers who have been harmed by untrained or unethical practitioners, build consensus among counselors so that we speak with one voice, submit clearly written legislation, etc.

REFERENCES

California Business & Professions Code, Chapter 13, section 4980 www.leginfo.ca.gov.

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The National Certified Counselor Credential: National Certification for Professional Counselors, National Board for Certified Counselors, Inc., Greensboro, North Carolina, <www.nbcc.org>, 2001.

COUNSELOR LICENSURE COMPARISON

Credential	Education	Examination	Supervised Experience	C. E. U.'s	Ethics
		National Information			
General practice Counselor Licensure (in 45 states + Wash. DC). Most common designation is **Licensed Professional Counselor (LPC)**	**Masters in Counseling** (or related field) - 48 to 60 units with specified counseling coursework.	Most states use **National Counselor Exam (NCE)** developed by **NBCC**	(Varies by state) NBCC Standard: **Two years** with 3,000 client contact hours	(Varies by state) NBCC Standard: **100 hours** every five years.	(Varies by state) ACA' and NBCC's Code of Ethics
		California Information			
General Practice Counselor License does not exist at this time.					
Marriage Family Therapy License (MFT)	**Masters in MFT** (or related field)- 48 units with specialty coursework.	State-devised **MFT oral and written exams.**	**Two years** with 3,000 client contact hours.	**36 hours** every two years.	Section in legislation on unprofessional conduct.
Voluntary:					
Registered Professional Counselor (RPC)	**Masters in Counseling** (or related field) - 48 units with specified counseling coursework.	**National Counselor Exam (NCE)**	**Two years** with 3,000 client contact hours.	**100 hours** every five years.	ACA's and NBCC's Code of Ethics
Registered Professional Career(RPCC)/Rehab. (RPRC)Counselor	**Masters in Counseling** (or related field) with specialty coursework.	**National career/rehab. specialty exams.**	**One year** of work experience.	**100 hours** every five years.	ACA's and NBCC's Code of Ethics
		Recommended for California Future			
MFT License	No Change	No Change	No Change	No Change	No Change
General Practice Counselor Licensure Recommended: **LPC *and* National Certification** to designate specialties.	**Masters in Counseling** (or related field) - 48 units with specified counseling coursework.	**National Counselor Exam (NCE).**	**Two years** with 3,000 hours of client contact hours.	**100 hours** every five years.	ACA's and NBCC's Code of Ethics.